

The Honorable John C. Coughenour

**UNITED STATE DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

PATRICK S. DRAGOS,

Plaintiff(s),

v.

MICHAEL G. CORNEA, ET AL.,

Defendant(s).

No. 2:19-cv-01338-JCC-TLF

PRETRIAL ORDER

[proposed]

(Clerk's Action Required)

I. JURISDICTION

This Court has jurisdiction pursuant to 28 U.S.C. §1332. Venue is proper pursuant to 28 U.S.C. § 1391(b) (2) because Plaintiff's claim arose in the city of Seattle, County of King, Washington.

II. CLAIMS AND DEFENSES

Plaintiff will pursue the following claims:

1. Defendant Michael Cornea, individually and on behalf of his marital community, was negligent when he caused a rear-end collision between his car and Plaintiff Patrick Dragos's car.
2. Plaintiff claims the subject collision caused him personal injuries and damages.

1 The Defendant will pursue the following affirmative defenses:

2 1. Plaintiff's injuries and damages, if any, were caused by prior and/or subsequent
3 incidents and/or third-parties over which defendant had no control or right of control, including
4 but not limited to Coquese Renfroe. Defendant requests apportionment of Plaintiff's damages
5 pursuant to RCW 4.22.070 *et seq.*

6 2. Defendant will also present evidence to support its denial that the subject accident
7 proximately caused Plaintiff's injuries and damages as claimed.

8 Plaintiff objects and contends that Defendant's first affirmative defense is not proper under
9 the law.

10 **III. ADMITTED FACTS**

11 1. Plaintiff, Patrick Dragos is a citizen of the United States, currently residing in
12 Auburn, Washington. During all times relevant to this lawsuit, Mr. Dragos resided in King
13 County, Washington.

14 2. Defendant Michael Cornea is a citizen of the United States, currently residing in
15 the State of Alaska as of September 2021. At all times relevant to this lawsuit, prior to moving to
16 Alaska, Mr. Cornea resided in Portland, County of Cumberland, Maine.

17 3. On October 8, 2016, Defendant Michael Cornea rear-ended Plaintiff Patrick Dragos
18 at a red light at Jackson Street and Fourth Avenue, in Seattle.

19 4. Defendant Michael Cornea admits liability for the subject accident, but disputes
20 that the subject accident proximately caused the injuries and damages alleged.

21 **IV. ISSUES OF LAW**

22 1. Whether Plaintiff's claimed injuries and damages were proximately caused by the
23 October 8, 2016 rear-end motor vehicle collision?
24

2. Whether Plaintiff's claimed injuries and damages were proximately caused or contributed to by a subsequent collision involving non-party Coquese Renfroe?

Plaintiff objects and contends that the second issue is not proper under the law.

V. EXPERT WITNESSES

(a) Each party shall be limited to 4 expert witness(es) on the issues of damages.

(b) The name(s) and addresses of the expert witness(es) to be used by each party at the trial and the issue upon which each will testify are:

(1) On behalf of Plaintiff:

a. Frank Marinkovich, MD Eastside Family Health Center 11415 Slater Ave NE Kirkland, WA 98033 425-899-2525	Will testify
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Dr. Marinkovich will be called as an expert to provide relevant and material testimony regarding history, mechanism of injury, diagnosis, prognosis, causation of injuries, past and future medical treatment, reasonableness and necessity of Plaintiff's medical bills and health care costs, medical disability causing past and future wage loss, the effect the injuries have had on his day-to-day life, observations regarding Plaintiff's pain suffering, and discomfort and such other testimony as deemed relevant by the trial judge and trier of fact. This expert will further provide testimony as to the permanent impairment that Plaintiff has sustained as a result of his injuries.

This expert will base his testimony on his treatment of Plaintiff, his assessment of the evidence, interrogatory responses, deposition testimony, inspection of the evidence, and any other documentation this expert feels is pertinent to his evaluation, as well as his training, knowledge, and experience in this field.

b. Jason Wilcox, MD Orthopedic Physician Associates	Will testify
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601 Broadway, 6th Floor
Seattle, WA 98122
206-309-4762

Dr. Wilcox will be called as an expert to provide relevant and material testimony regarding history, mechanism of injury, diagnosis, prognosis, causation of injuries, past and future medical treatment, reasonableness and necessity of Plaintiff's medical bills and past and future health care costs, medical disability causing past and future wage loss, the effect the injuries have had on Patrick Dragos's day-to-day life, observations regarding Plaintiff's pain suffering, and discomfort, and such other testimony as deemed relevant by the trial judge and trier of fact.

This expert will base his testimony on his treatment of Plaintiff, including the right hip arthroscopic labral repair, his assessment of the evidence, as well as his training, knowledge, and experience in this field.

c. Carla Haney, PT	Will testify
Northwest Return to Work	
19221 36 th Ave. W., Suite 101	
Lynnwood, WA 98036	
425-774-9564	

Ms. Haney is a licensed physical therapist with Bachelor of Science degrees in psychology and physical therapy from the University of Puget Sound. She has been involved with functional capacity evaluations for more than 20 years. She has several years of experience in both outpatient orthopedic and industrial rehabilitation. She will be called as an expert to provide relevant and material testimony regarding Plaintiff's ability to perform work activities, Plaintiff's physical capacity level, individual job analyses, and the need for specific work restrictions and/or treatment recommendations.

This expert will base her testimony on her examination of Plaintiff, assessment of the evidence, as well as her training, knowledge and experience in this field.

d. John Berg, M.Ed. Will testify
 Vocational Consulting, Inc.
 3515 SW Alaska Street
 Seattle, WA 98126
 (206) 933-8870

John Berg, M.Ed., is a vocational counselor who will provide testimony of Plaintiff's past and future economic damages, including past wage loss, loss of future earnings capacity, loss of fringe benefits, future costs of professional services, future cost of medication and loss of home services, taking into consideration the Plaintiff's injuries, age, health, life expectancy, occupation, education, training, and habits. Mr. Berg will also take into account Plaintiff's medical records and any future vocational testing. Mr. Berg, a vocational counselor, may also testify to the extent of Plaintiff's future long term vocational employment opportunities.

(2) On behalf of defendant:

a. James Harris, M.D. Will Testify
 c/o AMG, Inc.
 700 NW Gilman Blvd #147
 Issaquah, WA 98027

Dr. Harris has reviewed the medical records of Plaintiff Patrick Dragos and performed an independent medical examination on January 2, 2020. He will opine regarding plaintiff's medical history, mechanism of injury, diagnosis, prognosis, causation of injuries, past and future medical treatment, and reasonableness and necessity of plaintiff's medical treatment and expenses.

b. William E. Partin, CPA, ABV, MAFF, CFE Will Testify
 Mueller & Partin, PS, Inc.
 Washington Federal Center
 400 108th Avenue N.E., Ste. 615
 Bellevue, WA 98004

Defendant has retained William E. Partin, a forensic economist and business valuation expert, to review documentation in this case and offer opinions and testimony regarding plaintiff's claims for lost compensation and the value of same.

c. Jason Wilcox, M.D. (possible defense witness only)
 Orthopedic Physician Associates
 601 Broadway, 6th Floor
 Seattle, WA 98122
 206-309-4762

To the extent, Dr. Wilcox is not called to testify by Plaintiff, Defendant will call Dr. Wilcox to provide relevant and material testimony regarding plaintiff's medical history, mechanism of injury, diagnosis, prognosis, causation of injuries, and past and future medical treatment.

d. William B. Skilling, MA, CRC, CDMS, CLCP Will Testify
 4311 55th Ave NE
 Seattle, WA 98105

Defendants retained William B. Skilling, a life care planning and vocational rehabilitation expert, to review documentation of this case and offer opinions and testimony regarding Plaintiff's allegations pertaining to life care and vocational requirements arising out of the October 8, 2026, motor vehicle collision.

Plaintiff submits that Dr. Wilcox was not disclosed as a defense expert witness and is not now properly called as an expert witness by the defense.

VI. OTHER WITNESSES

(a) On behalf of Plaintiff:

1. Patrick S. Dragos Will testify
 17925 SE 346th St
 Auburn WA 98092
 425-736-6890

1 Plaintiff Dragos will testify to the events and circumstances of the motor vehicle collision
2 and his injuries, physical and emotional, pain and suffering, limitations, disability and the effect on
3 his day-to-day life, and damages, which are the subject of this lawsuit.

4 2. Tiana Dragos Will testify
17925 SE 346th St
5 Auburn WA 98092
(206)-271-8343

6 Tiana Dragos is Plaintiff's wife and will testify as to how his physical and emotional injuries
7 have affected his day-to-day life, and the scope of her testimony will be based on her personal
8 knowledge of P

9 3. Marcus Williams Will testify
19202 SE 242nd Pl
10 Covington, WA 98042
11 425-761-1292

12 Marcus Williams is Plaintiff's friend and former co-worker and will testify as to how
13 Plaintiff's physical and emotional injuries have affected his day-to-day life, and the scope of his
14 testimony will be based on his personal knowledge of Plaintiff both before and after the injury
15 occurred.

16 4. Kyle Bova Will testify
229 Toleak Ave
17 Ocean Shores, WA 98569
18 702-306-6919

19 Kyle Bova is Plaintiff's friend and former co-worker and will testify as to how Plaintiff's
20 physical and emotional injuries have affected his day-to-day life, and the scope of his testimony
21 will be based on his personal knowledge of Plaintiff both before and after the injury occurred.

22 5. Mike McMertry Will testify
4255 S. 160th St.
23 Tukwila, WA 98188
206-617-5778

Mike McMertry is Plaintiff's friend and former co-worker and will testify as to how Plaintiff's physical and emotional injuries have affected his day-to-day life, and the scope of his testimony will be based on his personal knowledge of Plaintiff both before and after the injury occurred.

(b) On behalf of defendant:

1. Defendant Michael Cornea (possible witness only)
c/o Mix Sanders Thompson, PLLC
1420 Fifth Ave, Suite 2200
Seattle, WA 98101

Mr. Cornea may testify concerning the facts and circumstances surrounding the subject accident.

VII. EXHIBITS

Plaintiff's Exhibits:

Exh. #	Description	Authenticity	Admissibility	Objection	Admitted
1	Patrick Dragos's Medical Records – Proliance Orthopedics Associates	Stipulated	Stipulated		
2	Patrick Dragos's Medical Records – Pettet Chiropractic	Stipulated	Disputed	801-802; F	
3	Patrick's Dragos's Medical Records- Orthopedic Physicians Associates Records	Stipulated	Disputed	801-802; F	
4	Patrick Dragos's Medical Records	Stipulated	Disputed	F	

	– Seattle Surgery Center				
5	Patrick Dragos’s Medical Records – Balance Chiropractic Center – DC	Stipulated	Disputed	801-802; F	
6	Patrick Dragos’s Medical Records – Balance Chiropractic – LMT	Stipulated	Disputed	F	
7	Patrick Dragos’s Medical Records - Auburn Sports Physical Therapy	Stipulated	Disputed	F	
8	Patrick Dragos’s Medical Records - Frank Marinkovich, M.D.	Stipulated	Disputed	F	
9	Patrick Dragos’s Medical Records – Pacific Medical Inc.	Stipulated	Disputed	801-802; F	
10	Patrick Dragos’s Medical Bills – Proliance Orthopedic Associates	Stipulated	Disputed	F	
11	Patrick Dragos’s Chiropractic	Stipulated	Disputed	F	
12	Patrick Dragos’s Medical Bills – Orthopedic Physicians Associates	Stipulated	Disputed	F	
13	Patrick Dragos’s Surgery Center Medical Bills – Seattle	Stipulated	Disputed	F	
14	Patrick Dragos’s Medical Markowitz & Associates - Bills	Stipulated	Disputed	F	
15	Patrick Dragos’s Medical Bills -	Stipulated	Disputed	F	

	Balance Chiropractic Center				
16	Patrick Dragos's Medical Bills Balance Chiropractic – Massage Therapy	Stipulated	Disputed	F; D	
17	Patrick Dragos's Medical Bills - Auburn Sports Physical Therapy	Stipulated	Disputed	F	
18	Frank Marinkovich, M.D. -Medical Bills	Stipulated	Disputed	F	
19	Patrick Dragos's Medical Bills - Cabrini Tower Pharmacy	Stipulated	Disputed	F	
20	Patrick Dragos's Medical Bills - Pacific Medical, Inc.	Stipulated	Disputed	F	
21	Patrick Dragos's Tax Return Schedules	Stipulated	Stipulated		
22	Patrick Dragos's Social Security Administration Itemized Statement of Earnings	Stipulated	Stipulated		
23	Photos of Patrick on ironworker job sites prior to the collision	Disputed	Disputed	F	
24	Photos of Patrick with his family	Disputed	Disputed	F	
25	Timeline of Patrick Dragos's medical treatment	Disputed	Disputed	403; 801- 802; F	

Defendant's Exhibits:

Exhibit No.	Description	Authenticity	Admissibility	Objection	Admitted
A-1	Photos of property damage to Dragos vehicle	Stipulated	Disputed	401, 402, 403 F	
A-2	Estimate of repair for Dragos	Stipulated	Disputed	401, 402, 403, 802 F	
A-3	Photos of property damage to Cornea vehicle	Stipulated	Disputed	401, 402, 403 F	
A-4	Estimate of repair for Cornea vehicle	Stipulated	Disputed	401, 402, 403, 802 F	
A-5	Photos of property damage to Dragos vehicle from Nov. 13, 2019 Accident	Stipulated	Disputed	401, 402, 403 F	
A-6	Estimate of repair for property damage to Dragos vehicle from Nov. 13, 2019 Accident	Stipulated	Disputed	401, 402, 403, 802 F	
A-7	Patrick Dragos Medical Records – Seattle Surgery Center	Stipulated	Stipulated		
A-8	Patrick Dragos Medical Records –	Stipulated	Stipulated		

	Eastside Family Health Center				
A-9	Patrick Dragos Medical Records – OPA Ortho	Stipulated	Stipulated		
A-10	Select MRI Films from OPA Ortho	Stipulated	Stipulated		
A-11	Patrick Dragos Medical Records – Balance Chiropractic Center	Stipulated	Stipulated		
A-12	Patrick Dragos Medical Records – Petett Chiropractic	Stipulated	Disputed	401, 402, 403 F MIL	
A-13	Patrick Dragos Medical Records – Auburn Sports Physical Therapy	Stipulated	Stipulated		
A-14	Patrick Dragos Medical Records – Proliance Orthopedic Associates	Stipulated	Stipulated		
A-15	Patrick Dragos Medical Records – Valley Orthopedic Associates	Stipulated	Disputed	401, 402, 403 F MIL	

A-16	Certificate of Formation for Dragos Construction, LLC	Stipulated	Stipulated		
A-17	Blast Defectors – Records RE Dragos Construction LLC	Stipulated	Stipulated		
A-18	Patrick Dragos SSA Statement of Earnings	Stipulated	Stipulated		
A-19	Patrick and Tiana Dragos Tax Returns	Stipulated	Disputed	401, 402, 403 Privacy LCR 16	
A-20	Dragos MRI film -Exhibit from Dr. Wilcox Dep	Stipulated	Disputed	F	
A-21	Summaries of Dragos Economic Loss	Stipulated	Disputed	802	

The Parties' Objection Codes:

F	Lack of Foundation
D	Duplicative
MIL	Subject of Motion in Limine

VIII. ACTION BY THE COURT

(a) This case is scheduled for trial before a jury on October 26, 2021, at 9:30 a.m.

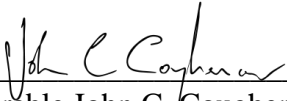
(b) Trial briefs shall be submitted to the court on or before October 15, 2021.

(c) Jury instructions requested by either party shall be submitted to the court on or before October 15, 2021. Suggested questions of either party to be asked of the jury by the court on voir dire shall be submitted to the court on or before October 15, 2021.

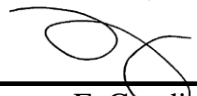
(d) Plaintiff's Motion in Limine to exclude the expert testimony of Defendant's proffered expert Bradley Probst was granted (Dkt. No. 96).

This order has been approved by the parties as evidenced by the signatures of their counsel. This order shall control the subsequent course of the action unless modified by a subsequent order. This order shall not be amended except by order of the court pursuant to agreement of the parties or to prevent manifest injustice.


DATED this 12th day of October, 2021.



Honorable John C. Coughenour
United States District Judge



James F. Gooding, WSBA #23833
Adrienne E. Harris, WSBA #28784
Anne Vankirk, WSBA #47321
GLP Attorneys, P.S., Inc.
2601 4th Ave, Floor 6
Seattle, WA 98121-1287
Phone: (206) 448-1992
Fax: (206) 448-4640
Email: jgooding@glpattorneys.com
Attorneys for Plaintiff



Eric S. Chavez, WSBA #41676
Kim A. West, WSBA#48204
Mix Sanders Thompson, PLLC
1420 Fifth Avenue, 22nd Floor
Seattle, WA 98101
Phone: (206) 521-5989
Fax: (888) 521-5980
Email: eric@mixsanders.com
Email: kim@mixsanders.com
Attorneys for Defendant

CERTIFICATE OF SERVICE

I, Kaci, certify that on October 11, 2021, I caused to be served a true and correct copy of the foregoing PRETRIAL ORDER with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

James F. Gooding
Adrienne E. Harris
Anne Vankirk
GLP Attorneys, P.S., Inc.
2601 4th Ave Fl 6
Seattle, WA 98121-1287
Attorney for Plaintiff

☐ Legal Messenger

☐ U.S. Mail

☐ Hand Delivered

☒ CM/ECF Electronic Notification

☐ E-mail to jgooding@glpattorneys.com

aharris@glpattorneys.com

avankirk@glpattorneys.com

mlathrop@glpattorneys.com

shenry@glpattorneys.com

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

s/Kaci Clariza

Kaci Clariza

MIX SANDERS THOMPSON, PLLC

1420 Fifth Avenue, Ste. 2200

Seattle, WA 98101

Tel: 206-521-5989

Fax: 888-521-5980

Email: kaci@mixsanders.com

Legal Assistant for Eric S. Chavez